	n		
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6	[Additional Counsel Appear On Signature	Page]	
7	UNITED STATES DISTR EASTERN DISTRICT		
8		or whatmed or	
9	DANIEL JOSEPH, an individual, on behalf of himself and all others similarly	NO.	
10	situated,	CLASS ACTION COMPLAINT	
11	Plaintiff, v.	FOR STATUTORY DAMAGES AND INJUNCTIVE RELIEF	
12		UNDER 47 U.S.C. § 227 et seq., THE TELEPHONE CONSUMER	
13	TRUEBLUE, INC., dba LABOR READY, INC., and TRUEBLUE, INC.,	PROTECTION ACT	
	Washington corporations,	JURY DEMAND	
14	Defendants.		
15			
16	I. INTRODU	JCTION	
17	1. The Pew Research Center has	s reported 69 percent of cellular users	
18	who use text messaging receive unwanted	text message spam with 25 percent of	
19			
20	CLASS ACTION COMPLAINT FOR STATUTORY DAMAGES AND INJUNO RELIEF UNDER 47 U.S.C. § 227 ET SEO TELEPHONE CONSUMER PROTECTION ACT - 1	Q., THE	

them on a weekly basis. Plaintiff is one such person who regularly receives text message spam. After requesting to stop texting to no avail, Plaintiff has decided to bring the instant class action complaint alleging violations of 47 U.S.C § 227, *et seq.*, the Telephone Consumer Protection Act ("TCPA").

- 2. By effectuating these unauthorized text message calls (also known as "SMS Messages"), Defendant has caused consumers actual harm, not only because consumers were subjected to the aggravation that necessarily accompanies mobile spam, but also because consumers frequently have to pay their cell phone service providers for the receipt of such spam and such messages diminish cellular battery life, waste data storage capacity, and are an intrusion upon seclusion.
- 3. Plaintiff, on behalf of himself and the proposed classes of similarly situated individuals described below, brings this suit under the TCPA, which specifically prohibits unsolicited voice and text calls to cell phones. Defendant has sent unwanted text messages in a manner that violates the right of privacy of the putative class members. Defendant continued to send these unwanted text messages even after Plaintiff and other putative class members requested that the offending texts stop. On behalf of the class, Plaintiff seeks an injunction requiring Defendant to cease all unlawful text messages and an award of statutory
- CLASS ACTION COMPLAINT FOR STATUTORY DAMAGES AND INJUNCTIVE RELIEF UNDER 47 U.S.C. § 227 ET SEQ., THE TELEPHONE CONSUMER PROTECTION ACT - 2

damages to the class members, together with costs and reasonable attorney's fees. 1 All allegations contained herein are based upon information and belief of Plaintiff 2 or the investigative efforts of the undersigned counsel. 3 II. JURISDICTION AND VENUE 4 4. This Court has jurisdiction over this class action lawsuit under 28 5 U.S.C. § 1331 and 47 U.S.C. § 227. Venue in this District is proper because 6 Defendant is a corporation and it resides in this District. 28 U.S.C. § 1391(d). 7 III. INTERESTED PARTIES 8 Plaintiff, Daniel Joseph (hereinafter, "Plaintiff" or "Mr. Joseph"), is 5. 9 a natural person, and citizen of the State of Minnesota, residing in Ramsay 10 County, Minnesota. 11 6. Defendants, TrueBlue, Inc., dba Labor Ready, Inc. and TrueBlue, 12 Inc. are organized and exist under the laws of the State of Washington and they 13 maintain their principle places of business in the State of Washington. 14 IV. A BRIEF OVERVIEW OF TEXT MESSAGING 15 7. In recent years, marketers who often have felt stymied by federal 16 laws limiting solicitation by telephone, facsimile machine, and email have 17 increasingly looked to alternative technologies through which to send bulk 18 solicitations cheaply. 19 20 CLASS ACTION COMPLAINT FOR STATUTORY DAMAGES AND INJUNCTIVE RELIEF UNDER 47 U.S.C. § 227 ET SEQ., THE TELEPHONE CONSUMER PROTECTION

1	8. One of the newest types of such bulk marketing is to advertise	
2	through Short Message Services. The term "Short Message Service" or "SMS"	
3	describes a messaging system that allows cellular telephone subscribers to use	
4	their cellular telephones to send and receive short text messages, usually limited	
5	to 120 - 500 characters.	
6	9. An "SMS message" is a text message call directed to a wireless	
7	device through the use of the telephone number assigned to the device. When an	
8	SMS message call is successfully made, the recipient's cell phone rings, alerting	
9	him or her that a call is being received.	
10	10. The open rate for SMS messages exceeds 99 percent, and 90 percent	
11	of those messages are read within three minutes. Conversely, the open rate for	
12	email in the retail industry is 31 percent.	
13	11. Unlike more conventional advertisements, SMS calls, and	
14	particularly wireless or mobile spam, can actually cost their recipients money,	
15	because cell phone users must frequently pay their respective wireless service	
16	providers either for each text message call they receive or incur a usage allocation	
17	deduction to their text plan, regardless of whether or not the message is	
18	authorized.	
19		
20	CLASS ACTION COMPLAINT FOR	

STATUTORY DAMAGES AND INJUNCTIVE RELIEF UNDER 47 U.S.C. § 227 ET SEQ., THE

TELEPHONE CONSUMER PROTECTION

1	12. Most commercial SMS messages are sent from "short codes" (also
2	known as "short numbers"), which are special cellular telephone exchanges,
3	typically only five or six digit extensions, that can be used to address SMS
4	messages to mobile phones. Short codes are generally easier to remember and are
5	utilized by consumers to subscribe to such services as television program voting
6	or more benevolent uses, such as making charitable donations.
7	13. A short code is sent to consumers along with the actual text message
8	and conclusively reveals the originator of the SMS message.
9	14. According to findings by the Federal Communication Commission
10	("FCC"), the agency Congress vested with authority to issue regulations
11	implementing the TCPA, such calls are prohibited because, as Congress found,
12	automated or prerecorded telephone calls are a greater nuisance and invasion of
13	privacy than live solicitation calls, and such calls can be costly and inconvenient.
14	The FCC also recognized that wireless customers are charged for incoming calls
15	whether they pay in advance or after the minutes are used. See Rules and
16	Regulations Implementing the Telephone Consumer Protection Act of 1991, CG
17	Docket No. 02-278, Report and Order, 18 FCC Rcd 14014 (2003).
18	15. Under the TCPA and pursuant to the FCC's January 2008
19	Declaratory Ruling, the burden is on Defendant to demonstrate that Plaintiff
20	CLASS ACTION COMPLAINT FOR STATUTORY DAMAGES AND INJUNCTIVE RELIEF UNDER 47 U.S.C. § 227 ET SEQ., THE

TELEPHONE CONSUMER PROTECTION

1	provided express consent within the meaning of the statute. See FCC		
2	Declaratory Ruling, 23 FCC Rcd at 565 (¶10).		
3	16. Text messages are "calls" within the context of the TCPA.		
4	Satterfield v. Simon & Schuster, Inc., 569 F.3d 946 (9th Cir. 2009).		
5	17. The FCC specifically ruled that a consumer's prior express consent		
6	to receive future text messages may be revoked and texts sent after revocation		
7	violate the TCPA. <i>In re SoundBite Communications, Inc.</i> , FCC Rcd, No.		
8	02-278, 2012 WL 5986338 (Nov. 29, 2012).		
9	18. Even before the FCC Order that consent to receive a text message		
10	could be revoked, the Mobile Marketing Association declared in October 2012 in		
11	its U.S. Consumer Best Practices for Messaging that "[a] subscriber must be able		
12	to stop participating and receiving messages from any program by sending STOP		
13	to the short code used for that program" and " if the subscriber sent STOP or		
14	STOP ALL to the short code, they are opted out of all programs they were		
15	enrolled in on that short code."		
16	V. FACTUAL ALLEGATIONS SPECIFIC TO MR. JOSEPH		
17	19. Defendant operated via a text alert service that utilizes the short code		
18	42800. See Exhibit A attached hereto.		
19			
20	CLASS ACTION COMPLAINT FOR STATUTORY DAMAGES AND INJUNCTIVE RELIEF UNDER 47 U.S.C. § 227 ET SEQ., THE TELEPHONE CONSUMER PROTECTION ACT - 6  TERRELL MARSHALL DAUDT & WILLIE PLLC 936 North 34th Street, Suite 300 Seattle, Washington 98103-8869 TEL. 206.816.6603 • FAX 206.350.3528		

1	20. Plaintiff's cellular telephone number at all times herein material was
2	XXX-XXX-3379 and was assigned to a cellular telephone service as specified in
3	47 U.S.C. 227(b)(1)(A)(iii).
4	21. At all times relevant to this Complaint, Plaintiff was and is a
5	"person" as defined by the TCPA 47 U.S.C. § 153(39).
6	22. Due to the sheer volume of text messages he was receiving from
7	Labor Ready, at all hours of the day, Plaintiff decided to stop the text messages as
8	he no longer wanted to be bothered with them.
9	23. On March 8, 2014, Plaintiff texted the word "Stop" to short code
10	42800 at approximately 8:32 a.m. See Exhibit B attached hereto.
11	24. On March 8, 2014, at approximately 8:33 a.m., Plaintiff received
12	notice from Labor Ready that "You have unsubscribed from Labor Ready job
13	alerts. You will receive no more messages. Reply START to rejoin." Id.
14	25. Any consent Plaintiff had expressed to receive text messages from
15	Labor Ready prior to May 5, 2014, was clearly revoked and acknowledged by
16	Labor Ready on March 8, 2014 when Labor Ready responded and informed him
17	that Plaintiff would receive no further text messages.
18	26. As a result, Labor Ready lacked express consent to send Plaintiff any
19	text messages after March 8, 2014.
20	CLASS ACTION COMPLAINT FOR STATUTORY DAMAGES AND INJUNCTIVE RELIEF UNDER 47 U.S.C. § 227 ET SEQ., THE TELEPHONE CONSUMER PROTECTION TERRELL MARSHALL DAUDT & WILLIE PLLC

1	27. Nevertheless, using an automatic telephone dialing system/artificial
2	or prerecorded voice/predictive dialer system in violation of 47 U.S.C. §
3	227(b)(1)(A)(iii), Defendant continued to repeatedly text Plaintiff on his cellular
4	telephone ending in 3379 again on May 5, 2014 (6:32 a.m., 9:20 a.m., 12:24 p.m.,
5	3:30 p.m., 4:28 p.m., 6:40 p.m., and 6:42 p.m.), May, 6, 2014 (8:07 a.m., 8:15
6	a.m., 8:15 a.m., 10:37 a.m., 11:03 a.m., 12:30 p.m., and 12:52 p.m.), May 7, 2014
7	(5:27 a.m., and 1:23 p.m.), May 8, 2014 (6:15 a.m., 9:12 a.m., 2:50 p.m., 2:58
8	p.m., 3:51 p.m., 3:52 p.m., and 4:09 p.m.), May 9, 2014 (5:32 a.m., 7:30 a.m.,
9	8:32 a.m., 11:20 a.m., 1:17 p.m., 1:19 p.m., and 3:10 p.m.), May 10, 2014 (1:44
10	p.m.), May 12, 2014 (5:43 a.m., 8:29 a.m., 10:55 a.m., 1:23 p.m., 2:01 p.m., 2:14
11	p.m., and 5:09 p.m.), May 13, 2014 (9:53 a.m., 9:55 a.m., 1:53 p.m., and 3:34
12	p.m.), May 14, 2014 (8:38 a.m., 8:38 a.m., and 9:00 a.m.), May 15, 2014 (8:12
13	a.m., 8:28 a.m., 8:29 a.m., 9:32 a.m., 9:49 a.m., and 9:52 a.m.), and May 16, 2014
14	(9:05 a.m., 9:57 a.m., 10 a.m., and 4:16 p.m.).
15	28. Taking into consideration Defendant's national presence and the
16	volume of texts, there is no practical way it could have sent the above-described
17	text message alerts without using an automatic telephone dialing system.
18	29. Upon information and belief, all members of the putative class
19	received messages that were sent en masse using an automatic telephone dialing
20	CLASS ACTION COMPLAINT FOR STATUTORY DAMAGES AND INJUNCTIVE RELIEF UNDER 47 U.S.C. § 227 ET SEQ., THE TELEPHONE CONSUMER PROTECTION ACT - 8  TERRELL MARSHALL DAUDT & WILLIE PLLC 936 North 34th Street, Suite 300 Seattle, Washington 98103-8869 TEL. 206.816.6603 • FAX 206.350.3528

1	system, also known as an "auto-dialer"; the device Defendant used to send the		
2	text messages had the capacity to store or produce telephone numbers to be called		
3	using a random or sequential number generator and to dial such numbers or		
4	would otherwise qualify as a "predictive dialer."		
5	30. Given Defendant's extensive use of mobile marketing and long		
6	malfunctioning text message alert service, there are likely thousands of putative		
7	class members as further described herein.		
8	31. Moreover, based upon an industry average opt-out rate of 3.7		
9	percent, a class of more than forty people would exist assuming at least 1,082		
10	people had previously subscribed to Defendant's text message alert service over		
11	the last four years.		
12	VI. CLASS ACTION ALLEGATIONS		
13	32. This action is brought on behalf of two classes. Class 1 consists of:		
14	All persons in the United States who unsubscribed to receive text messages from Defendant Labor Ready and		
15	were subsequently sent text message advertisements from Defendant Labor Ready (or any party on behalf of		
16	Defendant Labor Ready) to their cellular telephone wherein said text messages were sent using an		
17	automatic telephone dialing system or device which has the capacity to store or produce telephone numbers to		
18	be called using a random or sequential number generator during the four year period prior to the filing		
19	generator during the rour year period prior to the ming		
20	CLASS ACTION COMPLAINT FOR STATUTORY DAMAGES AND INJUNCTIVE RELIEF UNDER 47 U.S.C. § 227 ET SEQ., THE TELEPHONE CONSUMER PROTECTION  TERRELL MARSHALL DAUDT & WILLIE PLLC 936 North 34th Street. Suite 300		

of the complaint in this action through the date of 1 certification. 2 33. Class 2 consists of: 3 All persons in the United States who, via text message, unsubscribed to receive text messages from Defendant 4 Labor Ready and were subsequently sent more than one text message advertisement within a 12-month period 5 from Defendant Labor Ready (or any party on behalf of Defendant Labor Ready) to their cellular telephone 6 during the four year period prior to the filing of the complaint in this action through the date of certification. 7 34. Excluded from the Classes are Defendant, its legal representatives, 8 assigns, and successors, and any entity in which the Defendant has a controlling 9 interest. Also excluded from the Classes is the Judge to whom this case is 10 assigned, the Judge's immediate family, and Plaintiff's counsel and their 11 employees. Plaintiff reserves the right to amend the above-stated class definitions 12 based upon facts learned in discovery. 13 35. Plaintiff alleges on information and belief based upon the 14 Defendant's use of mass text messages that each Class is so numerous that joinder 15 of all members of the class is impractical. There are more than 41 individuals in 16 each Class as previously defined herein. 17 18 19 20 CLASS ACTION COMPLAINT FOR STATUTORY DAMAGES AND INJUNCTIVE RELIEF UNDER 47 U.S.C. § 227 ET SEQ., THE TELEPHONE CONSUMER PROTECTION

1	36. There are questions of law or fact common to the Classes, which	
2	common issues predominate over any issues involving only individual class	
3	members. Factual and/or legal issues common to each class member include:	
4	a. Whether Defendant's conduct is governed by the TCPA;	
5	b. Whether the text message advertisements sent by Defendant	
6	after Plaintiff unsubscribed violated the TCPA;	
7	c. Whether the class members are entitled to treble damages	
8	based upon the willfulness of Defendant's conduct; and	
9	d. Whether Defendant should be enjoined from engaging in such	
10	conduct in the future.	
11	37. Plaintiff's claim is typical of those of the members of each Class.	
12	Within each Class, all claims are based on the same facts and legal theories.	
13	38. Plaintiff will fairly and adequately protect the interests of each Class.	
14	He has retained counsel experienced in handling actions involving unlawful	
15	practices under the TCPA and class actions. Neither Plaintiff nor his counsel has	
16	any interest that might cause them not to vigorously pursue this action.	
17	39. Certification of each Class under Rule 23(b)(3) of the Federal Rules	
18	of Civil Procedure is also appropriate in that:	
19		
20	CLASS ACTION COMPLAINT FOR STATUTORY DAMAGES AND INJUNCTIVE RELIEF UNDER 47 U.S.C. § 227 ET SEQ., THE TELEPHONE CONSUMER PROTECTION ACT - 11  TERRELL MARSHALL DAUDT & WILLIE PLLC 936 North 34th Street, Suite 300 Seattle, Washington 98103-8869 TEL. 206.816.6603 • FAX 206.350.3528	

1	a. The questions of law or fact common to the members of each	
2	Class predominate over any questions affecting individual members; and	
3	b. A class action is superior to other available methods for the	
4	fair and efficient adjudication of the controversy.	
5	40. Certification of each Class under Rule 23(b)(2) of the Federal Rules	
6	of Civil Procedure is also appropriate in that Defendant has acted on grounds	
7	generally applicable to each Class thereby making appropriate relief with respect	
8	to each Class as a whole.	
9	41. Mr. Joseph requests that each Class be certified as a hybrid class	
10	under Rule 23(b)(3) for monetary damages, and pursuant to Rule 23(b)(2) for	
11	injunctive relief.	
12	COUNT I	
13	COUNT I  NEGLIGENT VIOLATIONS OF § 227(b) OF THE TELEPHONE CONSUMER PROTECTION ACT ON BEHALF OF CLASS 1	
13 14	NEGLIGENT VIOLATIONS OF § 227(b) OF THE TELEPHONE CONSUMER PROTECTION ACT	
<ul><li>13</li><li>14</li><li>15</li></ul>	NEGLIGENT VIOLATIONS OF § 227(b) OF THE TELEPHONE CONSUMER PROTECTION ACT ON BEHALF OF CLASS 1	
13 14 15 16	NEGLIGENT VIOLATIONS OF § 227(b) OF THE TELEPHONE CONSUMER PROTECTION ACT ON BEHALF OF CLASS 1  42. Plaintiff incorporates the above factual allegations.	
<ul><li>13</li><li>14</li><li>15</li><li>16</li><li>17</li></ul>	NEGLIGENT VIOLATIONS OF § 227(b) OF THE TELEPHONE CONSUMER PROTECTION ACT ON BEHALF OF CLASS 1  42. Plaintiff incorporates the above factual allegations.  43. Defendant sent unwanted text messages to Plaintiff and the members	
13 14 15 16	NEGLIGENT VIOLATIONS OF § 227(b) OF THE TELEPHONE CONSUMER PROTECTION ACT ON BEHALF OF CLASS 1  42. Plaintiff incorporates the above factual allegations.  43. Defendant sent unwanted text messages to Plaintiff and the members of Class 1 using an automatic telephone dialing system or device which has the	

1	44.	The excessive calls (i.e., text messages sent post-revocation) were
2	made withou	out the prior express consent of the parties.
3	45.	The aforesaid calls violate the TCPA, 47 U.S.C. § 227(b)(1)(A)(iii).
4	46.	WHEREFORE, Plaintiff requests that the Court enter judgment in
5	his favor ar	nd in favor of Class 1, and against Defendant Labor Ready for:
6		a. An order certifying this case to proceed as a class action;
7		b. Statutory damages of \$500 dollars per call for negligent
8	violations o	of the TCPA;
9		c. An injunction requiring Defendant to cease all
10	communica	tions in violation of the TCPA;
11		d. Reasonable attorney's fees and costs; and
12		e. Such further relief as this Court may deem appropriate.
13		COUNT II
14		WILLFUL VIOLATIONS OF § 227(b) OF THE TELEPHONE CONSUMER PROTECTION ACT ON BEHALF OF CLASS 1
15	47	Disintiff in some anotae the above factual allegations
16	47.	Plaintiff incorporates the above factual allegations.
17	48.	Defendant sent unwanted text messages to Plaintiff and the members
18	of Class 1 u	ising an automatic telephone dialing system or device which has the
19		
20	STATUTO RELIEF U	CTION COMPLAINT FOR RY DAMAGES AND INJUNCTIVE NDER 47 U.S.C. § 227 ET SEQ., THE NE CONSUMER PROTECTION  TERRELL MARSHALL DAUDT & WILLIE PLLC 936 North 34th Street, Suite 300 Seattle, Washington 98103-8869 TEL. 206.816.6603 • FAX 206.350.3528

1	capacity to store or produce telephone numbers to be called using a random or	
2	sequential number generator.	
3	49. The excessive calls (i.e., text messages sent post-revocation) were	
4	made without the prior express consent of the parties.	
5	50. The aforesaid calls violate the TCPA, 47 U.S.C. § 227(b)(1)(A)(iii).	
6	51. WHEREFORE, Plaintiff requests that the Court enter judgment in	
7	his favor and in favor of Class 1, and against Defendant Labor Ready for:	
8	a. An order certifying this case to proceed as a class action;	
9	b. Statutory damages of up to \$1,500 dollars per call for each	
10	willful violation of the TCPA;	
11	c. An injunction requiring Defendant to cease all	
12	communications in violation of the TCPA;	
13	d. Reasonable attorney's fees and costs; and	
14	e. Such further relief as this Court may deem appropriate.	
15	COUNT III	
16	NEGLIGENT VIOLATIONS OF § 227(c) OF THE TELEPHONE CONSUMER PROTECTION ACT	
17	ON BEHALF OF CLASS 2	
18	52. Plaintiff incorporates above factual allegations.	
19		
20	CLASS ACTION COMPLAINT FOR STATUTORY DAMAGES AND INJUNCTIVE RELIEF UNDER 47 U.S.C. § 227 ET SEQ., THE TELEPHONE CONSUMER PROTECTION ACT - 14  TERRELL MARSHALL DAUDT & WILLIE PLLC 936 North 34th Street, Suite 300 Seattle, Washington 98103-8869 TEL. 206.816.6603 • FAX 206.350.3528	

1	53.	Defendant sent more than one text message advertisement to
2	Plaintiff and	d each member of Class 2 within a 12-month period after being told to
3	stop.	
4	54.	The aforesaid calls violate the TCPA, 47 U.S.C. § 227(c).
5	55.	WHEREFORE, Plaintiff requests that the Court enter judgment in
6	his favor ar	nd in favor of Class 2, and against Defendant Labor Ready for:
7		a. An order certifying this case to proceed as a class action;
8		b. Statutory damages of up to \$500 dollars per call for negligent
9	violations o	of the TCPA;
10		c. An injunction requiring Defendant to cease all
11	communica	tions in violation of the TCPA;
12		d. Reasonable attorney's fees and costs; and
13		e. Such further relief as this Court may deem appropriate.
14		COUNT IV – CLASS 2
15		WILLFUL VIOLATIONS OF § 227(c) OF THE TELEPHONE CONSUMER PROTECTION ACT
16	56.	Plaintiff incorporates above factual allegations.
17		
18		
19		
20	STATUTO RELIEF U	CTION COMPLAINT FOR RY DAMAGES AND INJUNCTIVE NDER 47 U.S.C. § 227 ET SEQ., THE NE CONSUMER PROTECTION  TERRELL MARSHALL DAUDT & WILLIE PLLC 936 North 34th Street, Suite 300 Seattle, Washington 98103-8869 TEL. 206.816.6603 • FAX 206.350.3528

1	57.	Defendant sent more than one text message advertisement to	
2	Plaintiff and each member of Class 2 within a 12-month period after being told to		
3	stop.		
4	58.	The aforesaid calls violate the TCPA, 47 U.S.C. § 227(c).	
5	59.	WHEREFORE, Plaintiff requests that the Court enter judgment in	
6	his favor and in favor of the Class 2, and against Defendant Labor Ready for:		
7		a. An order certifying this case to proceed as a class action;	
8		b. Statutory damages of up to \$1,500 dollars per call for each	
9	willful violation of the TCPA;		
10		c. An injunction requiring Defendant to cease all	
11	communications in violation of the TCPA;		
12		d. Reasonable attorney's fees and costs; and	
13		e. Such further relief as this Court may deem appropriate.	
14		VII. JURY DEMAND	
15	Plaintiff demands trial by jury.		
16			
17			
18			
19			
20	CLASS ACTION COMPLAINT FOR STATUTORY DAMAGES AND INJUNCTIVE RELIEF UNDER 47 U.S.C. § 227 ET SEQ., THE TELEPHONE CONSUMER PROTECTION ACT - 16  TERRELL MARSHALL DAUDT & WILLIE PLLC 936 North 34th Street, Suite 300 Settle, Washington 98103-8869 TEL. 206.816.6603 • FAX 206.350.3528		

1	RESPECTFULLY SUBMITTED AND DATED this 25th day of
2	September, 2014.
3	TERRELL MARSHALL DAUDT & WILLIE PLLC
4	
5	By: <u>/s/ Beth E. Terrell, WSBA #26759</u> Beth E. Terrell, WSBA #26759
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9	Keith James Keogh
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20	CLASS ACTION COMPLAINT FOR STATUTORY DAMAGES AND INJUNCTIVE RELIEF UNDER 47 U.S.C. § 227 ET SEQ., THE TELEPHONE CONSUMER PROTECTION ACT - 17  TERRELL MARSHALL DAUDT & WILLIE PLLC 936 North 34th Street, Suite 300 Seattle, Washington 98103-8869 TEL. 206.816.6603 • FAX 206.350.3528 www.tmdvlaw.com

### — EXHIBIT A —

## SIGN UP to receive TEXT ALERTS

# YOU

No waiting in line
Job alerts via text
Get a job that fits you
Choose when you want to work
Manage your time

Text YES to 42800

WORK ALERT

"Mexicoge and that's value may apply

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# READY FOR WORK

Messages

42800

- Get job alerts by text
- No more waiting at the branch
- Choose when you want to work
- Opportunities matched to your skills
- Manage your time

Text YES to 42800

\*Message & data rates may apply.

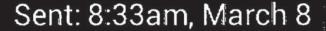
### — EXHIBIT B —



LR(Little Canada): still have xcel job's available at 2 today give amy a call if interested at little canada 651-917-7163

8:32am, March 8

### Stop







You have unsubscribed from Labor Ready job alerts. You will receive no more messages. Reply START to rejoin. <a href="mailto:jri.cc/lr/tnc/">jri.cc/lr/tnc/</a>

8:33am, March 8



LR(Little Canada) HAVE
POSITIONS AVAILABLE RIGHT
AWAY EITHER CALL OR COME IN
TO LITTLE CANADA 651-917-7163

6:32am, May 5



LR(Little Canada) have a job for



LR(Little Canada) have a job for four people at 11 am

9:20am, May 5



LR(Little Canada) we have several jobs for tuesday call today to be sure to go out tomorrow 651-917-7163

12:24pm, May 5



LR(Little Canada) There are ALOT of openings tomorrow morning! Call Amanda at Little Canada Office 651-917-7163 to sign up NOW!

3:30pm, May 5



LR(Little Canada) Openings starting tomorrow in Maplewood. 7am-3pm and 3pm-11pm. Call Amanda at Little Canada office at 651-917-7163 to sign up NOW!



LR(Little Canada) Openings starting tomorrow in Maplewood. 7am-3pm and 3pm-11pm. Call Amanda at Little Canada office at 651-917-7163 to sign up NOW!

4:28pm, May 5



LR(Little Canada) There are STILL openings available! Come into the Little Canada Office TOMORROW MORNING at OPEN and we WILL put you to work!! Address follows:

6:40pm, May 5



LR(Little Canada) Continued: 45
Little Canada Rd E, Little Canada,
MN 55117. Our building is under
construction so there is not a sign.
651-917-7163

6:42pm, May 5



LR(Little Canada) HAVE JOB



LR(Little Canada) HAVE JOB RIGHT AWAY FOR A JOB THAT IS IN WISCONSIN THERE IS TRANS PAY. CALL LITTLE CANADA 651-917-7163

8:07am, May 6



LR(Little Canada) Need one worker right now for easy job in Wisconsin. Transportation pay and It should be a two day gig. so if youre driving and dont have work

8:15am, May 6

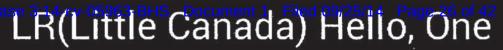


LR(Little Canada) Call Little Canada 651-917-7163 dont miss a job

8:15am, May 6



LR(Little Canada) Hello, One Cooking position has opened up for today at 12:00pm, must be at the

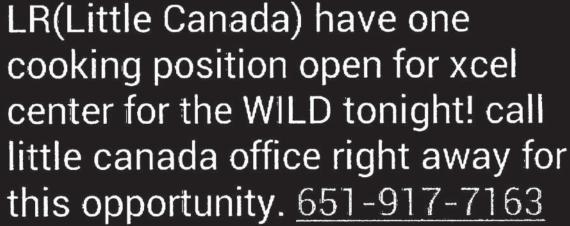




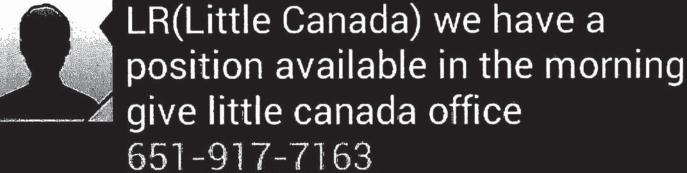


LITTIE Carrada for Job:NOW:

10:37am, May 6



11:03am, May 6



12:30pm, May 6









LR(Little Canada) We need one cook for 2pm today at exel energy please call Little Canada

ASAP!!!!!!!!!651-917-7163

12:52pm, May 6



LR(Little Canada) if available for work today come in right now, to little canada office have a few positions available 651-917-7163

5:27am, May 7



LR(Little Canada) WEEKEND WORK AVAILABLE SIGN HOLDING AND EVENT TEAR DOWN. CALL LITTLE CANADA 651-917-7163

1:23pm, May 7



LR(Little Canada) need 2 guys for a job in Ramsey, \$9 for a 10 hour. great opportunity for some cash call little canada office



6:15am, May 8



LR(Little Canada) TON OF WORK THIS WEEKEND .. IF INTERESTED CALL LITTLE CANADA 651-917-7163

9:12am, May 8



LR(Little Canada) Need two polite, presentable hard workers for 7 am job in Invergrove working with boat parts on a dock please call Little Canada for a fun job

2:50pm, May 8



LR(Little Canada) Also great weekend job out at Running Aces,



LR(Little Canada) Also great weekend job out at Running Aces, site tear down.. Easy 4 hours must have transport or get a ride from another worker.Come sign in

2:58pm, May 8



LR(Little Canada) We need 15 more people tomorrow at 5:15pm at exel energy center. black shoes and black pants are required. 8.50 per hour call Little Canada.

3:51pm, May 8



LR(Little Canada) Call us at 651-917-7163 jobs are going fast and you get to be around playoff hockey action!! Call now for a easy fun job downtown!!!

3:52pm, May 8



LR(Little Canada) 9 spots available



LR(Little Canada) 9 spots available hurry people!! Exel-Playoff Hockey, make some money and get food for free!! Call Little Canada

4:09pm, May 8



LR(Little Canada) LOTS OF JOBS THIS MORNING, COME IN TO GET TO WORK. LITTLE CANADA OFFICE 651-917-7163

5:32am, May 9

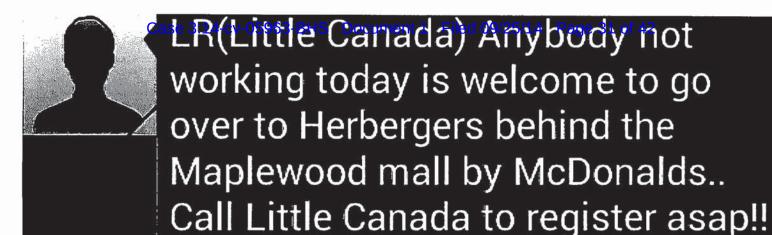


LR(Little Canada) still plenty of jobs available, call right now to get to work today <u>651-917-7163</u>

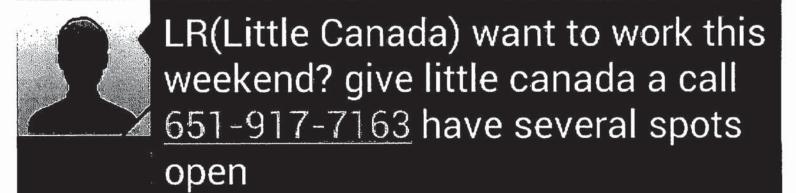
7:30am, May 9



LR(Little Canada) Anybody not working today is welcome to go over to Herbergers behind the Maplewood mall by McDonalds..



8:32am, May 9



11:20am, May 9

LR(Little Canada) Hey if anyone else would like to get on concessions tonight @ Exel Energy Center we have more positions available! Call Little Canada ASAP!!!

1:17pm, May 9



LR(Little Canada) 651-917-7163

1:17pm, May 9



LR(Little Canada) 651-917-7163
You will need black pants and black shoes. and we will dispatch you to go straight there around 5 for check in. No ticket needed

1:19pm, May 9



LR(Little Canada) Plenty of retail stock work for next week at Herbergers. Call Little Canada for 1st and 2nd shift now! also some weekend work is still open!!

3:10pm, May 9



LR(Little Canada) 2 spots left for work tonight at 430, 9.25 an hour. give little canada office a call. 651-917-7163

1:44pm



LR(Little Canada) 2 spots left for work tonight at 430, 9.25 an hour. give little canada office a call. 651-917-7163

1:44pm, May 10



LR(Little Canada) Pay out for Levy-Exel will be done around the 10:00am hour.. Please be patient and DO NOT call the office multiple times. We are very busy

5:43am



LR(Little Canada) Need one person asap for select comfort home delivery. Must have a tier 1 background check! Call now and Have a fun work day!!651-917-7163!!

8:29am



LR(Little Canada) need 5 cooks



LR(Little Canada) need 5 cooks right away for xcel center call little canada office for info 651-917-7163

10:55am



LR(Little Canada) I have about 10 positions left at EXEL for consessions at 4:30 call 651-917-7163 to get assigned!! WILD PLAYOFFS!!!!

1:23pm

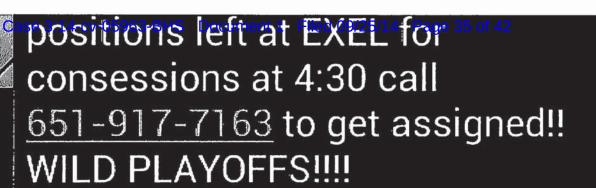


LR(Little Canada) All positions are filled for the Wild Game .. Thank You for responding!!

2:01pm



LR(Little Canada) call little canada office right away for a job in woodbury tomorrow AM



1:23pm



LR(Little Canada) All positions are filled for the Wild Game .. Thank You for responding!!

2:01pm



LR(Little Canada) call little canada office right away for a job in woodbury tomorrow AM 651-917-7163

2:14pm



LR(Little Canada) more positions available for xcel tomorrow night, call little canada office to get on this exciting job 651-917-7163

5:09pm

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2:14pm, May 12



LR(Little Canada) more positions available for xcel tomorrow night, call little canada office to get on this exciting job 651-917-7163

5:09pm, May 12



LR(Little Canada) GOOD NEWS!! 7 More positions for concessions are available for 5:00pm tonight at exel. Black pants and shoes are required Call Little Canada!

9:53am



LR(Little Canada) Get on ASAP!! 8.50 an hour and they feed you Hurry and get assigned! Great and fun Job! MInnesota Wild Hockey, Call 651-917-7163

9:55am



LR(Little Canada) GOOD NEWS!! 7
More positions for concessions are
available for 5:00pm tonight at
exel. Black pants and shoes are
required Call Little Canada!

9:53am, May 13



LR(Little Canada) Get on ASAP!! 8.50 an hour and they feed you Hurry and get assigned! Great and fun Job! MInnesota Wild Hockey, Call 651-917-7163

9:55am, May 13



LR(Little Canada) sign holding available this weekend, sun ray, midway, and woodbury sites available

1:53pm, May 13



LR(Little Canada) have positions available for the morning little



LR(Little Canada) have positions available for the morning little canada office 651-917-7163

3:34pm, May 13



LR(BROOKLYN PARK ) We have open positions today. Please call 763-391-0440 ASAP.

8:38am, May 14



LR(Little Canada) Need one worker to unload a truck right now!! Call Little Canada ASAP!
651-917-7163. Need to be on now

051-917-1105. Need to be off fic

8:38am, May 14



LR(Little Canada) Need one person right now!!!

9:00am, May 14



LR(Little Canada) Need one worker



LR(Little Canada) Need one worker to go downtown St.Paul asap. Also need two for ongoing construction jobs in Osceola and Plymouth for everyday ongoing job.

8:12am, May 15



LR(Little Canada) Need two people with transportation for everyday ongoing construction job! Call Little Canada NOW!! 651-917-7163 great opportunity Don't miss!

8:28am, May 15



LR(Little Canada) Also need two for Osceola everyday ongoing work.. Great construction jobs call now!!

8:29am, May 15



LR(Little Canada) Still have two positions at two construction sites. you need forty hours?,,you want



LR(Little Canada) Still have two positions at two construction sites. you need forty hours?,,you want overtime? Have reliable transportation? Then call us now!

9:32am, May 15



LR(Little Canada) First two people to get to Little Canada for Plymouth or osseo Job to go NOW will get 10 bucks each from me tomorrow. you drive and go NOW!

9:49am, May 15



LR(Little Canada) I need two workers who have transportation and can go now!!!! this is ongoing 40 hours aweek.. Call Little Canada, fulltime M-F 8am

9:52am, May 15



LR(Little Canada) have a positions



LR(Little Canada) have a positions open for tomorrow morning in white bear lake area. call little canada 651-917-7163

12:13pm, May 15



LR(Little Canada) plenty of sign holding positions available give little canada office a call right now to get on this. 651-917-7163

3:12pm, May 15



LR(Little Canada) I have an ASAP position doing clean up (INSIDE) downtown St Paul. Call Amanda at 651-917-7163

9:05am, May 16



LR(Little Canada) sign holding this weekend in woodbury and roseville. call little canada office 651-917-7163



LR(Little Canada) sign holding this weekend in woodbury and roseville. call little canada office 651-917-7163

9:57am, May 16



LR(Little Canada) sign holding available this weekend in woodbury and rosseville. call little canada office 651-917-7163

10:00am, May 16



LR(Little Canada) i have 2 positions available for this weekend give little canada a call right now 651-917-7163

4:16pm, May 16

Stop

Sent: 5:33am, May 17





You have unsubscribed from Labor